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| Mail Stop PETITION | United States Patent and Trademark Office | 571-273-8300 | |

TOTAL NO. OF PAGES

10

FROM Ian G. DiBernardo, Reg. No. 40,991
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 ROOM NO. 3836
 ATTORNEY NO. 5867
 CLIENT/MATTER NAME U.S. Patent Application No. 10/616,825
 CLIENT/MATTER NO. 000817/0002

MESSAGE TRANSMITTED HEREWITH PLEASE FIND:

1. CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) (1 PG);
2. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B)(2 PGS.);
3. FEE TRANSMITTAL FOR FY 2006 (1 PAGE) (IN DUPLICATE);
4. STATEMENT ESTABLISHING UNINTENTIONAL DELAY (3 PAGES); AND
5. RESPONSE TO RESTRICTION REQUIREMENT (2 PAGES)

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STROOCK & STROOCK & BAYAN LLP • NEW YORK • LOS ANGELES • MIAMI
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FEB 14 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: **Robert C. GRECZANIK et al.** Group Art Unit: 3725Application No.: **10/616,825**Examiner: **Debra M. WOLFE**Filed: **July 10, 2003**For: **COLD-FORGED HITCH RECEIVER AND METHOD OF MAKING
THE SAME**Date: **February 14, 2007**CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

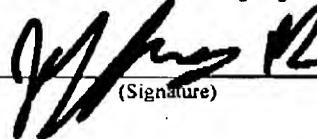
I hereby certify that the following correspondence:

Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) (2 pages); Fee Transmittal For FY 2006 (1 page) (in duplicate); Statement Establishing Unintentional Delay (3 pages); and Response to Restriction Requirement (2 pages)

is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on the following date: **February 14, 2007**

Jeffrey Mann

(Typed Or Printed Name Of Person Signing this Certificate)



(Signature)

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005/010

FEB 14 2007

PTO/SB/17 (07-06)

Approved for use through 01/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/09/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).

FEE TRANSMITTAL
For FY 2006 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,500.00)

Complete If Known

| | |
|----------------------|---------------------|
| Application Number | 10/616,825 |
| Filing Date | July 10, 2003 |
| First Named Inventor | Robert C. GRECZANIK |
| Examiner Name | Debra M. WOLFE |
| Art Unit | 3725 |
| Attorney Docket No. | |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 19-4709 Deposit Account Name: Stroock & Stroock & Lavan LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|----------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**Each claim over 20 (including Reissues) Fee (\$) Fee (\$)Each independent claim over 3 (including Reissues) Fee (\$) Fee (\$)Multiple dependent claims Fee (\$) Fee (\$)

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Small Entity | Fee (\$) | Fee (\$) |
|--------------|--------------|----------|---------------|--------------|----------|----------|
| - 20 or HP = | x | = | 0.00 | 50 | 25 | |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|---------------------------|----------|---------------|
| - 3 or HP = | x | = | 0.00 | | | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | / 50 = | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification: \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Revival of Abandoned Unintentionally

Fees Paid (\$)

1,500.00

SUBMITTED BY

| | | | |
|-------------------|---|--|---------------------------------|
| Signature |  | Registration No. (Attorney/Agent) <u>40,991</u> | Telephone <u>(212) 806-5400</u> |
| Name (Print/Type) | <u>Ian G. DiBernardo</u> | | Date <u>February 14, 2007</u> |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FEB 14 2007

PTO/SB/64 (10-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **Robert C. Greczanik**Application No.: **10/616,825**Art Unit: **3725**Filed: **July 10, 2003**Examiner: **Wolfe, Debra M.**Title: **COLD-FORGED HITCH RECEIVER AND METHOD OF MAKING THE SAME**

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Restriction Requirement (identify type of reply):

has been filed previously on _____
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FEB 14 2007

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

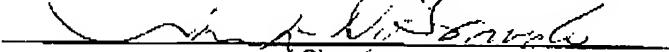
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

February 14, 2007

Date

Ian G. DiBernardo

Typed or printed name

40,991

Registration Number, if applicable

Stroock & Stroock & Lavan

Address

212-806-5400

Telephone Number

180 Maiden Lane, NY, NY 10038

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

February 14, 2007

Date


SignatureIan G. DiBernardo

Typed or printed name of person signing certificate

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FEB 14 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Robert C. GRECZANIK et al.** Art Unit: **3725**

Application No.: **10/616,825** Examiner: **Debra M. WOLFE**

Filed: **July 10, 2003**

For: **COLD-FORGED HITCH RECEIVER AND METHOD OF MAKING
THE SAME**

Date: **February 14, 2007**

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is being submitted in support of Applicants' Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b).

The present application was transferred from Metaldyne Company LLC ("Metaldyne") to Forming Technologies Inc. (which has since changed its name to FormTech Industries LLC ("FormTech")) on March 10, 2006 as part of a broader asset purchase pursuant to an Asset Purchase Agreement between Metaldyne and FormTech dated January 7, 2006 ("Purchase Agreement").

Following execution of the Purchase Agreement, on January 25, 2006 an initial Office Action, which contained a Restriction Requirement, was issued in the present application and sent to the offices of McDonald Hopkins Co. LPA, counsel for Metaldyne. Inconsistent with Metaldyne's obligations under the Purchase Agreement to supply FormTech with all materials

Application Serial No. 10/616,825
Statement Establishing Unintentional Delay
Filed February 14, 2007

relating to assets, which included the present application, Metaldyne and their counsel never informed FormTech of the Office Action and let the application go abandoned for failure to respond to the Office Action.

FormTech became aware of this abandonment on December 14, 2006 in connection with a financing transaction that they were involved in. Upon receiving notification of the abandonment, FormTech contacted both Metaldyne and its counsel for an explanation for the abandonment. FormTech was told that Metaldyne's counsel was unaware of the transfer of the application and thus the need to notify the then assignee FormTech.

FormTech received an executed assignment from Metaldyne on February 5, 2007 and has now duly recorded it at the Patent and Trademark Office. A change of correspondence address and new power of attorney were filed, as well.

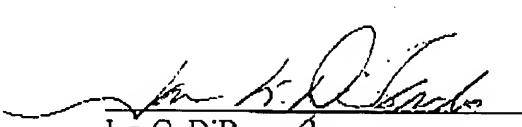
Because FormTech, who was the owner of the patent application since the time of abandonment, was unaware of the Office Action and resulting abandonment of the application, the failure to file a response to the Office Action should be deemed to be unintentional pursuant to 37 CFR 1.137(b). It should also be noted that because Metaldyne was not the owner of the patent application, its counsel's failure to reply to the Office Action should have no bearing on this petition.

Applicants respectfully submit that, for the reasons set forth above, the entire delay in filing the required Response from the due date until the filing of the enclosed grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Accordingly, Applicants hereby petition for revival of this application.

Application Serial No. 10/616,825
Statement Establishing Unintentional Delay
Filed February 14, 2007

No additional fee, other than the Petition Fee submitted herewith, is deemed necessary in connection with the filing of this Statement. However, if any fee is due the amount of such fee may be charged to Deposit Account No. 19-4709.

Respectfully submitted,



Ian G. DiBernardo
Reg. No. 40,991
Attorney for Applicants
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038
(212) 806-5400